



City of Burlington
Burlington International Airport
1200 Airport Drive, #1
South Burlington, VT 05403
(802) 863-2874
www.btv.aero

MEMO

TO: Burlington City Council
FROM: Ryan Betcher, Burlington International Airport
DATE: March 31, 2014

SUBJECT: Supplemental Agreement for VTANG TACAN Facility

The Burlington International Airport is seeking authorization for the mayor to execute a supplemental ground lease agreement with the US Government on behalf of the Vermont Air National Guard (VTANG) for the installation of a tactical air navigation system (TACAN). Supplemental lease agreements with the US Government for the VTANG are fairly common and occur as needed to accommodate upgrades to equipment and other projects for the military on the airfield. This supplemental is the 7th amendment to the original lease agreement, all of which covered individual parcels and adjustments necessary for the VTANG operations.

This project will require an increase of +/-0.43 acres to the existing ground area leased to VTANG and will provide military aircraft with a necessary navigational aide. VTANG currently uses a TACAN located at Plattsburg, however this system is being decommissioned due to age. The proposed increase in the lease area will not result in an increase in revenues nor costs to the Burlington International Airport.

Please see the attached exhibit detailing the proposed location of the TACAN facility. The supplemental agreement has been reviewed by the City of Burlington legal department and approved by the Airport Commission.

Thank you for your consideration.

DEPARTMENT OF THE AIR FORCE

Supplemental Agreement No. 7
Lease No. DACA51-5-74-480

THIS SUPPLEMENTAL AGREEMENT NO. 7 to Lease No. DACA51-5-74-480 (hereinafter called the "Lease") is made and entered into this _____ day of _____ 2014 by and between the **CITY OF BURLINGTON**, a municipal corporation, chartered, organized, and existing under the laws of the State of Vermont, Chittenden County, in the State of Vermont (hereinafter called the "Lessor"), and the **UNITED STATES OF AMERICA** (hereinafter called the "Government").

WITNESSETH THAT:

WHEREAS, by lease dated 17 June 1974, the Lessor leased to the Government, for the exclusive use of the Government and/or the State of Vermont Air National Guard, approximately 278 acres of land for a term beginning 1 November 1973 and in no event extending beyond 30 June 2023 ; and

WHEREAS, by Supplemental Agreement No. 1 dated 21 April 1976, approximately 38.00 acres, which were determined to be owned by the Government, were deleted from the lease to reflect a total of 240 acres; and

WHEREAS, by Supplemental Agreement No. 2 dated 7 May 1996 effective October 1, 1995, the date "June 30, 2023" was deleted from the last sentence of Paragraph 3 of the Lease and the date "June 30, 2048" was inserted in lieu thereof; and the words from Paragraph 2 of the Lease were deleted and replaced with words identifying the leased area as approximately 223.264 acres as depicted on Exhibit A dated 23 March 95; and

WHEREAS, by Supplemental Agreement No. 3 dated 22 February 2002 effective 15 July 2001, the words from Paragraph 2 were deleted and replaced with words identifying the leased area as approximately 230.437 acres (adding approximately 7.128 acres) as described in Exhibit "B" and depicted on a map Exhibit "C"; and

WHEREAS, by Supplemental Agreement No. 4 dated 10 September 2009 effective 8 October 2008, Paragraph 2 was modified by adding an additional parcel of approximately 47.5 acres as described in Exhibit "B-1" and depicted on a sketch and survey in Exhibit "C-1", to reflect a total of 277.937 acres; and

WHEREAS, by Supplemental Agreement No. 5 dated 26 March 2012, Paragraph 2 was modified to add approximately 2.59 acres of land as described in Exhibit "A-1" and depicted on a sketch Exhibit "A-2", to reflect a total of 280.527 acres; and

WHEREAS, by Supplemental Agreement No. 6 dated 29 October 2012, Parcel #1 acreage was changed to 248.05 and Parcel #2 was changed to 32.72 acres as described in Exhibit "D" (due to a change in the description resulting from a change in National Guard Road) for an increase of approximately 0.243 acres of land for a total acreage leased to 280.77 acres; and

WHEREAS, the Government wishes to increase the acreage of Parcel #1 by 0.43 acres from 248.05 acres to 248.48 acres bringing the total acreage of Parcel #1 and Parcel #2 to 281.20 acres;

NOW, THEREFORE, the terms and conditions of Lease No. DACA51-5-74-480 are hereby amended in the following respects and these only:

1. Parcel #1 acreage of 248.05 is increased by 0.43 acres to 248.48 acres shown on Exhibit "E-1", a sketch, attached hereto and made a part hereof, and described in Exhibit "E-2", legal description, attached hereto and made a part hereof, bringing the total leased acreage of Parcel #1 and Parcel #2 (32.72 acres described in Exhibit "E-3", attached hereto and made a part hereof) to 281.20.

2. All other terms and conditions of said Lease No. DACA51-5-74-480 except as amended by this Supplemental Agreement No .7 and prior Supplemental Agreement Nos. 1 through 6, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first written.

CITY OF BURLINGTON

Witness

By: _____
Miro Wienberger

Address

Title: Mayor _____

UNITED STATES OF AMERICA

By: _____
CONNIE M. LOTFI,
DAF Deputy Director
Installations Directorate

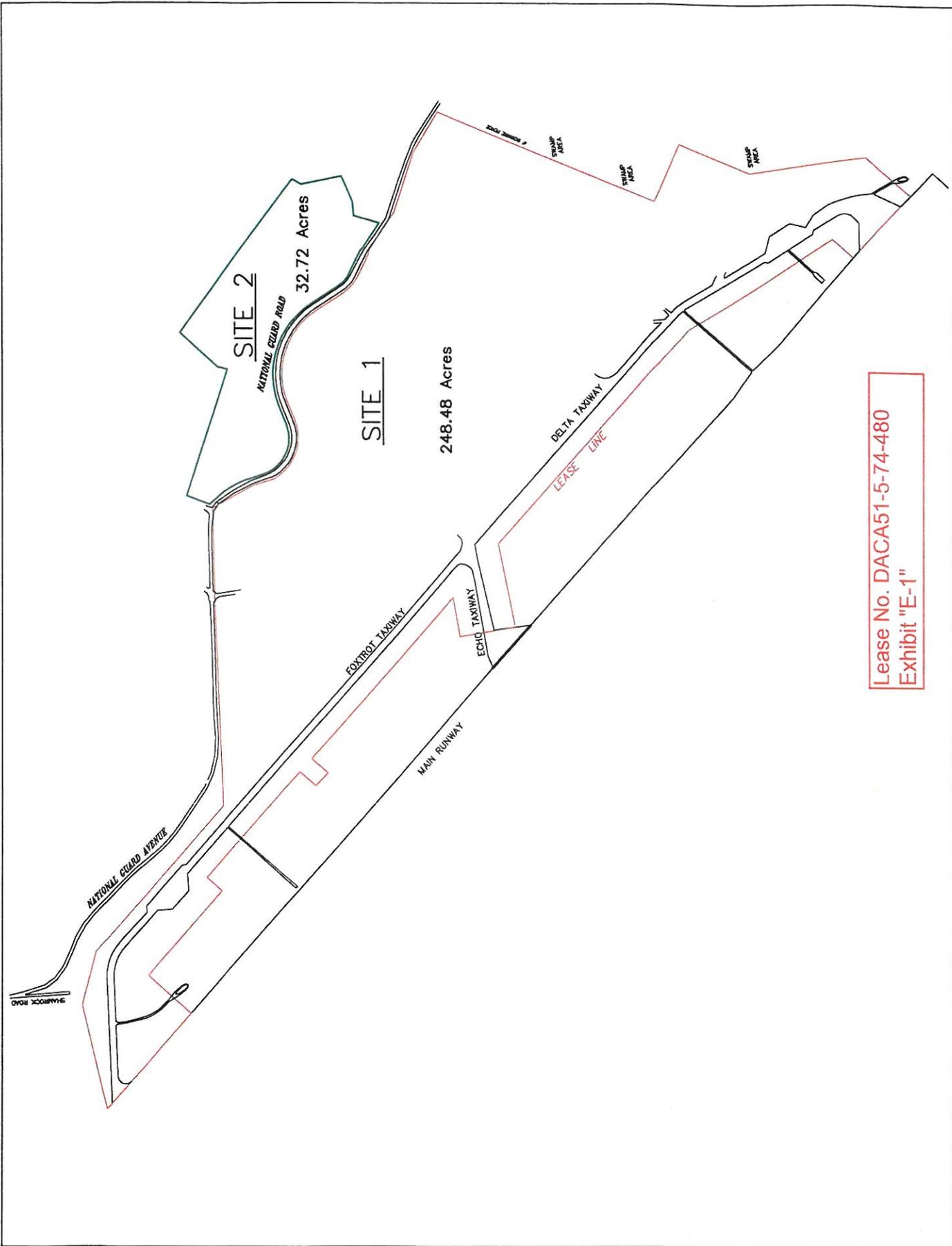
CERTIFICATE OF AUTHORITY

I, _____, certify that I am the _____ of the City of Burlington, State of Vermont, the city described in and which executed the foregoing instrument with the United States of America; that Miro Weinberger, who executed said instrument as Mayor, was then Mayor of the City of Burlington and has been duly authorized to execute said instrument on behalf of the City; that I know the signature of said Miro Weinberger; and that the signature affixed to such instrument is genuine.

Date

Signature

Title



Lease No. DACA51-5-74-480
Exhibit "E-1"

Legal Description (Metes & Bounds)

Leased Land from The City of Burlington

Main Base Site#1_TACAN

Beginning at a point marked by a concrete monument of the southwest side of National Guard Avenue

- 1) South 22°24'40" West a distance of 1666.23 feet to an existing concrete monument
- 2) South 67°55'54" East a distance of 438.01 feet to an existing iron pipe
- 3) South 21°49'26" West a distance of 537.42 feet to an existing concrete monument
- 4) South 07°17'00" East a distance of 857.76 feet to an existing rebar

Thence through lands occupied by the Burlington International Airport (reputedly owned by the City of Burlington) the following seventeen (21) courses and distances

- 1) South 41°16'33" West a distance of 403.77 feet to a calculated point on the northeasterly side of the airport main runway; thence along said runway
- 2) North 48°43'27" West a distance of 600.00 feet to a calculated point
- 3) North 41°16'33" East a distance of 200.00 feet to a calculated point
- 4) North 32°07'22" West a distance of 1225.34 feet to a calculated point
- 5) North 48°43'27" West a distance of 2034.72 feet to a calculated point
- 6) South 78°44'57" West a distance of 602.67 feet to a calculated point
- 7) North 09°40'55" West a distance of 400.29 feet to a calculated point
- 8) North 78°44'57" East a distance of 280.74 feet to a calculated point
- 9) North 48°43'27" West a distance of 1530.00 feet to a calculated point
- 10) South 41°16'33" West a distance of 150.00 feet to a calculated point
- 11) North 48°43'27" West a distance of 125.00 feet to a calculated point
- 12) North 41°16'33" East a distance of 150.00 feet to a calculated point
- 13) North 48°43'27" West a distance of 994.54 feet to a calculated point
- 14) South 41°16'33" West a distance of 132.72 feet to a calculated point
- 15) North 48°43'27" West a distance of 801.90 feet to a calculated point
- 16) South 41°16'33" West a distance of 408.23 feet to a calculated point on the northeasterly side of the airport main runway; thence along said runway
- 17) North 48°43'13" West a distance of 908.08 feet to a nail
- 18) North 76°57'07" East a distance of 762.52 feet to a calculated point
- 19) South 75°33'20" East a distance of 392.39 feet to a rebar
- 20) South 48°43'07" East a distance of 1378.08 feet to a rebar
- 21) North 87°35'34" East a distance of 549.94 feet to a calculated point on the southerly side of National Guard Avenue

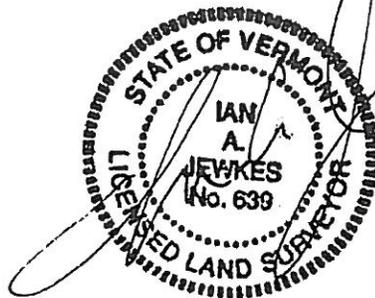
Thence along National Guard Avenue and the relocated National Guard Avenue the following eighteen (18) courses and distances

Lease No. DACA51-5-74-480
Exhibit "E-2" (two pages)

- 1) North 87°31'41" East a distance of 890.83 feet to an existing concrete monument
- 2) North 88°48'28" East a distance of 535.36 feet to an existing concrete monument
- 3) South 82°25'58" East a distance of 114.05 feet to a calculated point
- 4) South 42°23'13" East a distance of 106.05 feet to a calculated point

- 5) South 31°17'33" East a distance of 226.13 feet to an existing concrete monument
- 6) South 17°03'33" East a distance of 181.84 feet to a calculated point labeled POC2S
- 7) Southerly 115.05' feet along a circular curve sagging to the southwest having a radius of 333.00 feet to a point labeled LOT1NW, said curve has a chord with a length of 114.48 feet and a bearing of S42°57'26"E
- 8) Easterly 342.61 feet along a circular curve sagging to the south having a radius of 333.00 feet to a point labeled PT2S, said curve has a chord with a length of 327.69 feet and a bearing of S82°19'46"E
- 9) North 68°11'39" East a distance of 138.00 feet to a calculated point labeled PC3S
- 10) Easterly 745.53 feet along a circular curve sagging to the north having a radius of 546.46 feet to a point labeled PT3S, said curve has a chord with a length of 689.04 feet and a bearing of S72°43'16"E
- 11) South 33°38'13" East a distance of 230.71 feet to a calculated point labeled PC4S
- 12) Southeasterly 97.14 feet along a circular curve sagging to the southwest having a radius of 272.99 feet to a point labeled LOT1SE, said curve has a chord with a length of 96.63 feet and a bearing of S43°49'47"E
- 13) Southeasterly 49.08 feet along a circular curve sagging to the southwest having a radius of 272.99 feet to a point labeled PT4S, said curve has a chord with a length of 49.01 feet and a bearing of S59°15'44"E
- 14) South 64°18'15" East a distance of 179.47 feet to a calculated point labeled SWROW1
- 15) South 73°55'11" East a distance of 41.02 feet to an existing concrete monument
- 16) South 56°24'53" East a distance of 339.30 feet to a calculated point
- 17) South 72°54'49" East a distance of 435.77 feet to an existing concrete monument
- 18) South 58°55'03" East a distance of 336.70 feet to the point of beginning

The area of the above described leased parcel designated as Site1 is 248.48 acres, all bearings referenced in this description are based on the Vermont State Plane System Grid North;



SITE # 2

Beginning at a point located on the easterly limit of the existing right of way for the City of South Burlington street known as National Guard Avenue, said point is designated as SB2 on the plan entitled "Final Plat, Lands owned by the City of Burlington, Located North and East of National Guard Avenue" dated June 28, 2011 and prepared by Krebs and Lansing Consulting Engineers, Inc., said point is also located N 60°48'00" W a distance of 1610.24 feet from a found concrete monument labeled CM1 which is located on the northerly limit of the existing City of South Burlington National Guard Avenue right of way, said point is also located N 65°49'27" E a distance of 50.39 feet from a found concrete monument labeled CM4 which is located on the westerly limit of the existing City of South Burlington National Guard Avenue right of way, said point is also located N 23°59'58" W a distance of 906.73 feet from a found concrete monument labeled WHITE1 located on the northerly limit of the existing City of South Burlington National Guard Avenue right of way, said point is also on the easterly limit of the new 66 foot wide right of way for the relocated portion of National Guard Avenue;

thence proceeding N 14°17'59" W a distance of 34.82 feet along the easterly limit of the existing National Guard Avenue to a point labeled LOT2C;

thence proceeding N 24°01'17" W a distance of 76.03 feet along the easterly limit of the existing National Guard Avenue to a point labeled LOT2B;

thence proceeding N 30°22'02" W a distance of 99.82 feet along the easterly limit of the existing National Guard Avenue to a point labeled LOT2A;

thence proceeding N 39°45'40" W a distance of 145.37 feet along the easterly limit of the existing National Guard Avenue to a point labeled SB3 on the westerly limit of Lot 2, said point is also on the easterly limit of the 60.00 foot wide right of way for Mountain View Boulevard;

thence proceeding N 21°37'58" E a distance of 169.17 feet along the easterly limit of the existing Mountain View Boulevard right of way to a found iron pipe IP3;

thence proceeding S 71°28'32" E a distance of 946.14 feet along the southerly limit of the Country Club Estates development (the owners being: Rooney - Lot 8, Manazir - Lot 16, Fontaine - Lot 17, Arrants and Morris - Lot 18, Burt - Lot 19, City of South Burlington - extension of Country Club Drive East, and Sweet - Lot 21) to a found iron pipe IP5;

thence proceeding N 14°24'28" E a distance of 75.19 feet along the easterly limit of the Country Club Estates development (the owners being: Sweet - Lot 21, and Belter) to a point labeled LOT21EAST;

thence proceeding N 42°19'54" E a distance of 365.73 feet along the Belter property on the easterly limit of the Country Club Estates development to a found iron pipe labeled IP7, said IP7 is located N 53°17'44" W a distance of 792.12 feet from an existing iron pipe labeled 21 set in the ground as a tie point for the survey;

Lease No. DACA51-5-74-480
Exhibit "E-3" (three pages)

thence proceeding N 42°19'54" E a distance of approximately 35 feet along the Belter property on the easterly limit of the Country Club Estates development to the edge of the Winooski River;

Thence southeasterly along the bank of the Winooski River to a point, said point is located on the northwesterly limit of the lands acquired by the Winooski Valley Park District in Volume 653 Page 222 of the City of South Burlington Land Records on December 12, 2003;

thence proceeding S 31°24'29" W a distance of approximately 125 feet along the Winooski Valley Park District property to a point labeled WVPD6, said point is located S 52°44'53" E a distance of 573.02 feet from an existing iron pipe labeled 21 set in the ground as a tie point for the survey;

thence proceeding S 31°24'29" W a distance of 74.02 feet along the Winooski Valley Park District property to a point labeled WVPD5;

thence proceeding S 11°05'47" E a distance of 291.26 feet along the Winooski Valley Park District property to an existing iron pipe labeled WVPD4;

thence proceeding S 66°40'17" W a distance of 200.23 feet along the Winooski Valley Park District property to an existing iron pipe labeled WVPD3;

thence proceeding S 85°55'13" W a distance of 98.97 feet along the Winooski Valley Park District property to an existing iron pipe labeled WVPD2;

thence proceeding S 12°54'56" W a distance of 166.56 feet along the Winooski Valley Park District property to an existing iron pipe labeled WVPD1;

thence proceeding S 12°54'56" W a distance of 4.69 feet along the Winooski Valley Park District property to a point labeled WVPD-SW, said point is also on the northern limit of the National Guard Avenue right of way;

thence proceeding N 56°24'54" W a distance of 209.11 feet along the northern limit of the National Guard Avenue right of way to a point labeled RD3, said point is also on the eastern limit of the relocated National Guard Avenue right of way;

thence proceeding N 51°25'45" W a distance of 40.71 feet along the easterly limit of said relocated National Guard Avenue to a point labeled NEROW1;

thence proceeding N 64°18'15" W a distance of 179.47 feet along the easterly limit of said relocated National Guard Avenue to a point labeled PT4N;

thence proceeding northwesterly 110.78 feet along a circular curve sagging to the southwest having a radius of 206.99 feet to a point labeled PC4N, said curve has a chord with a length of 109.46 feet and a bearing of N 48°58'16" W, said curve is along the northeasterly limit of the new 66.00 foot wide relocated right of way for National Guard Avenue ;

thence proceeding N 33°38'13" W a distance of 230.71 feet along the easterly limit of said relocated National Guard Avenue to a point labeled PT3N;

thence proceeding northwesterly 835.57 feet along a circular curve sagging to the north having a radius of 612.46 feet to a point labeled PC3N, said curve has a chord with a length of 772.26 feet and a bearing of N 72°43'16"W, said curve is along the northerly limit of the new 66.00 foot wide relocated right of way for National Guard Avenue;

thence proceeding S 68°11'39" W a distance of 138.00 feet along the northerly limit of said relocated National Guard Avenue to a point labeled PT2N;

thence proceeding westerly 438.63 feet along a circular curve sagging to the south having a radius of 267.00 feet to point POC2N, said curve has a chord with a length of 390.95 feet and a bearing of N 64°44'26"W, said curve is along the northerly limit of the new 66.00 foot wide relocated right of way for National Guard Avenue and on the southerly limit of Lot 2;

thence proceeding N 18°51'30" W a distance of 99.21 feet along the easterly limit of said relocated National Guard Avenue to the point of beginning on the westerly limit of Lot 2;

the area of the above described parcel designated as Lot 2 is 32.72 acres as measured to the edge of the Winooski River, all bearings referenced in this description are based on the Vermont State Plane System Grid North;